

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

FILED  
OCT 11 2006  
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FERRIS JOSEPH, \* CIV 06-4143

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Plaintiff,

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vs.

\* ORDER FOR  
\* FORM 35 REPORT AND  
\* SCHEDULING INFORMATION

CORPORATION OF THE PRESIDENT  
CHURCH OF JESUS CHRIST OF  
LATTER-DAY SAINTS, a Utah  
Corporation sole; and CORPORATION  
OF THE PRESIDING BISHOP OF THE  
CHURCH OF LATTER-DAY SAINTS,  
a Utah Corporation sole,

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3. Name of the insurance carriers and amount of liability coverage available;

**B. Description of the Case**

4. A brief narrative of the facts giving rise to the lawsuit, including a description of legal claims and defenses;
5. A concise statement of the jurisdictional basis of the case, giving a brief narrative description as well as statutory references number;
6. A brief statement of the material issues to be resolved;

**C. Pleadings**

7. A statement of whether all pleadings have been filed, and description of any amendments to the pleadings the party proposes to make including the identification of any new parties to be added (if none so state);
8. The date by which all motions which seek to amend the pleadings or add parties will be filed;
9. Whether jury trial is available under the law, and whether a jury trial has been timely demanded;

**D. Discovery Plan<sup>1</sup>**

10. Date by which all prediscovery disclosures required by Rule 26(a)(1) will be completed;
11. The number of interrogatories each party shall be permitted to serve;
12. The number of depositions each party shall be permitted to take (excluding expert witness depositions);
13. The date by which all discovery (including expert discovery) shall be completed;
14. A statement of how many, if any, expert witnesses each party anticipates calling

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<sup>1</sup>If the parties are unable to agree upon a discovery plan, the report shall separately set forth each party's proposed plan.

at trial, and a brief (one or two words) description of the type of experts anticipated, e.g., medical doctor, economist, accident reconstructionist, accountant;

15. The date by which each party shall disclose the identity of expert witnesses and disclose the reports required under Rule 26(a)(2);
16. Whether the parties anticipate expert depositions;
17. The number of expert depositions each party shall be permitted to take;
18. The frequency with which discovery responses must be supplemented pursuant to Rule 26(a);

**E. Dispositive Motions and Trial**

19. Date by which all dispositive motions shall be filed and the hearing thereon completed;
20. Date by which the case will be ready to commence trial;
21. Estimated trial time including jury selection and instructions.
22. Do the parties agree that the jury trial as well as all other proceedings subsequent to the return of the Rule 35 Report be conducted by Magistrate Judge John E. Simko?

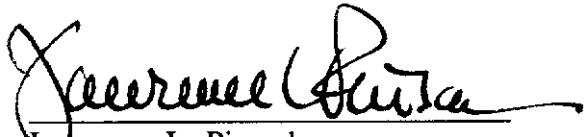
**F. Settlement**

23. The parties should fully explore the possibility of settling this case at the Rule 26(f) meeting. If the case does not settle, the parties shall be fully prepared to advise the court about the status of settlement discussions.
24. Plaintiff is directed to make a written settlement demand prior to the Rule 26(f) meeting. Defendant shall respond in writing to this demand as soon as possible.
25. If the Plaintiff is unable to make a settlement demand, Plaintiff shall be fully prepared:
  26. To explain the inability;
  27. To advise the Court what is needed to evaluate settlement; and

28. To advise the Court of the earliest date the parties can realistically evaluate settlement.
29. What reason or reasons are there that this case cannot be settled in the early stages of litigation?
30. Would an early settlement conference before Judge Simko be of assistance in reaching an early settlement? If not, why not?

Dated this 11 day of October, 2006.

BY THE COURT:

  
\_\_\_\_\_  
Lawrence L. Piersol  
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: Jackie Weisenheimer  
DEPUTY